

PATENTIN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Arrigo DeBenedetti : Paper No: 101611/0507550 #15
 Serial No. 09/916,017 : Group Art Unit: 1635
 Filed: July 26, 2001 : Examiner: J. Angell
 For: CANCER GENE THERAPY BASED ON TRANSLATIONAL CONTROL OF
 A SUICIDE GENE

AMENDMENT TRANSMITTAL

FAX RECEIVED

Box Non-Fee Amendment
 The Assistant Commissioner For Patents
 Washington, D.C. 20231

OFFICIAL

JUN 20 2003

GROUP 1600

Dear Sir:

Transmitted herewith is an amendment for the above-captioned application in response the communication dated June 3, 2003 received from the U.S. Patent and Trademark Office. A copy of that communication is enclosed for your reference.

Applicant is a

Small Entity
 Large Entity

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

(complete (a) or (b), as applicable)

(a) Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)(1)-(4)) for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	400.00	200.00
<input type="checkbox"/> three months	920.00	460.00
<input type="checkbox"/> four months	1,440.00	720.00
		Fee: \$ _____

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If an additional extension of time is required, please consider this a petition therefor.

An extension for _____ months has already been secured. The fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for petition for extension of time.

FEE FOR CLAIMS

	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	Rate Small Entity		Rate Large Entity	Add'l Fee
Total *	Minus **		=	X 9.00	\$	X 18.00	\$
Indep. *	Minus ***		=	X 42.00	\$	X 84.00	\$
<input type="checkbox"/> First Presentation of Multiple Dependant Claim				X 140.00	\$	+280.00	\$
				Total Add'l. Fee	\$	Total Add'l. Fee	\$

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

If the "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of the prior amendment or the number of claims originally filed.

(complete (c) or (d) as required)

(c) No additional fee for claims is required.

(d) Total additional fee for claims required \$_____

FEE PAYMENT

Attached is a check in the sum of \$_____ covering the total additional fee for claims required.

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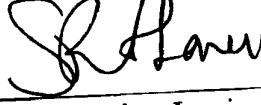
Please charge Frost Brown Todd LLC Account No. 06-2226 for the total fee due.

A duplicate of this transmittal is attached.

The Assistant Commissioner for Patents is authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

ARRIGO DeBENEDETTI, *et al.*

By 

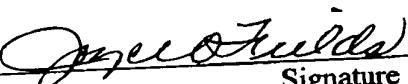
Stephen R. Albainy-Jenei
Registration No. 41,487
Attorney for Applicant(s)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6839

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Joyce O. Fields

(Type or print name of person signing certification)


Signature

6/19/03

Date

FAX Telephone No.: (703) 308-4242

Attn: J. Eric Angell

Art Unit No.: 1635

Serial No. 09/916,017

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: 700 Madison, P.O. Box 9000, Washington, D.C. 20590-9000
 Telephone: 703-305-1450
 Alexandria, Virginia 22314-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY, COUNSEL, FIRM	CONFIRMATION NO.
09/916,017	02/26/2001	Angie DeBenedetto	00/Sos DeBenedetto	S138
26874	7590	06/03/2003		
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			EXAMINER	
			ANGELL, JON E	
			ART UNIT	PAPER NUMBER
			1635	14
DATE MAILED: 06/03/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Resp Due
 Date Rec'd: 7/3/2003
 Next Action: _____
 Due Date: _____
 Docketed by: _____
 Case No: _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 14

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 5/13/03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE:

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1. A complete listing of all of the claims is not present in the amendment paper.
2. The listing of claims does not include the text of all claims currently under examination.
3. The claims of this amendment paper have not been presented in ascending numerical order.
4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
5. Other:

LIE: Check one of the following boxes:

- PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.36(a).

I Signed by Team Leader

Team Leader

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/patent/patentexamination/procedures/37cfr1.121.pdf> and
<http://www.uspto.gov/web/offices/patent/patentexamination/procedures/37cfr1.121a.pdf>